



**CITY OF SUNNYVALE
REPORT
Administrative Hearings**

August 10, 2005

SUBJECT: **2005-0664** – Application located at **885 Lakechime Drive** in an R-0 (Low-Density Residential) Zoning District.

MOTION: Variance from Sunnyvale Municipal Code section 19.34.030 to allow for a 264 square-foot accessory utility building with a 2.5-foot side-yard setback where 4 feet is required and a 2-foot rear-yard setback where 10 feet is required.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

Surrounding Land Uses

North Single Family Home

South Lakewood Park

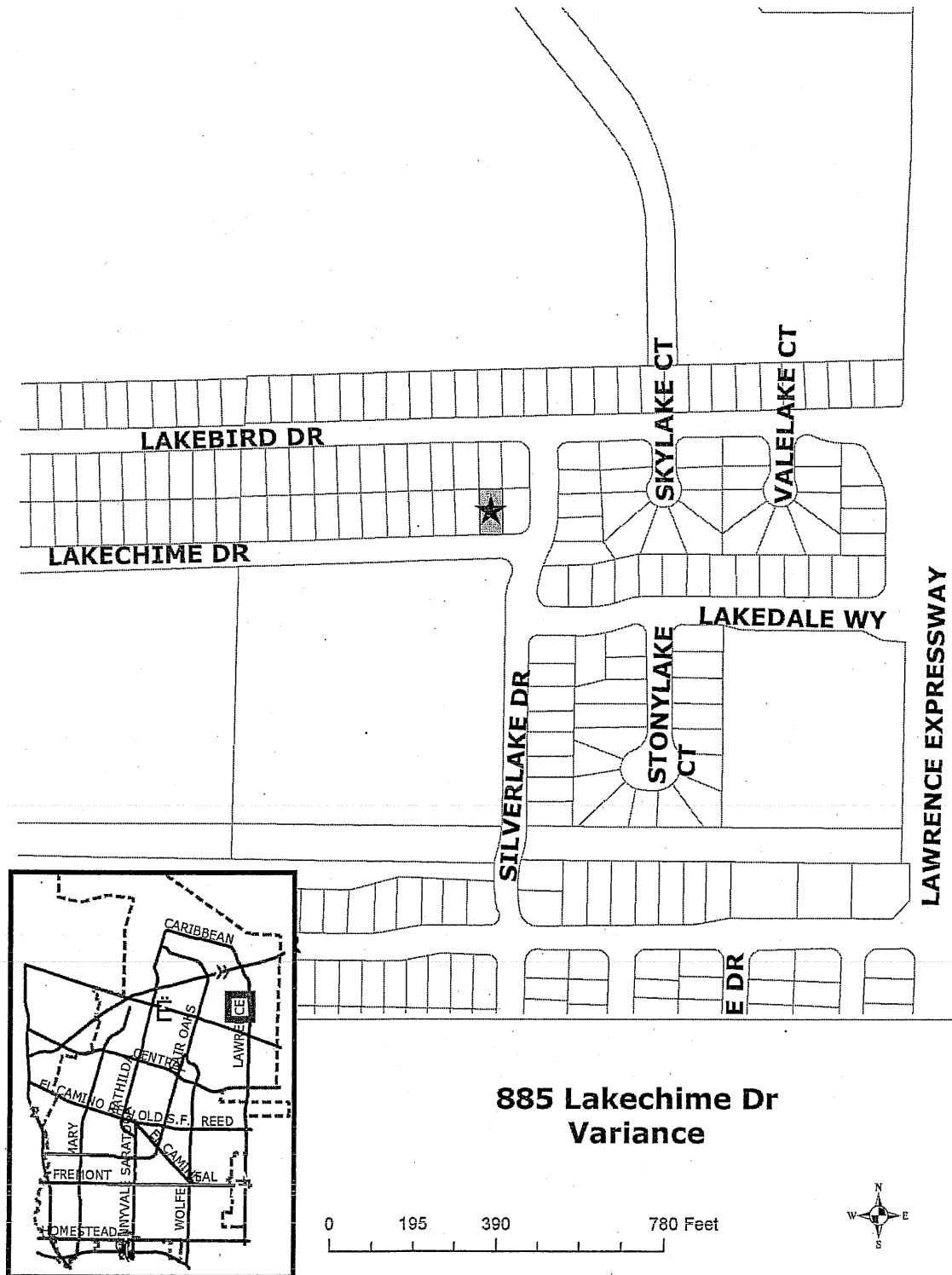
East Single Family Home

West Single Family Home

Issues Setbacks

Environmental Status A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Deny



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	5,720	Same	6,000 min.
Gross Floor Area (s.f.)	1,994	2,258 (264 s.f workshop)	No max.
Lot Coverage (%)	35%	39%	45% max.
Floor Area Ratio (FAR)	35%	39%	45' max. without PC review
No. of Buildings On-Site	1	2	---
Distance Between Buildings	N/A	11'6"	10' min.
Workshop Height (ft.)	N/A	10'6"	15' max.
Setbacks of Accessory Structure			
Front	N/A	90'6"	20' min. (10' to main building)
Left Side	N/A	30'6"	4' min. (12' total)
Right Side	N/A	2'6"	4' min. (12' total)
Rear	N/A	2	20 min. (10 ft permitted with < 25% encroachment / 20' min.
Parking			
Total Spaces	4	Same	4 min.
Covered Spaces	2	Same	2 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The proposed project is for a Variance from side and rear yard setback requirements to allow a 264 square foot workshop/shed built without permits at the rear of the site. The workshop enables storage of tools and equipment in addition to construction activities for small household projects. Attachment E includes the applicant's justifications and intentions for the workshop.

Background

Previous Actions on the Site: There are no previous planning actions related to this site.

Neighborhood Preservation Involvement: In April of 2005, the Neighborhood Preservation Division was notified due to possible un-permitted construction taking place at the site. This construction is in the process of being removed in accordance with enforcement action taken by the Neighborhood Preservation Division. At that time, the resident was notified that the existing workshop at a separate location on the site would require permits.

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 5 Categorical Exemptions include minor alterations in land use limitations, including setback variances.

Variance

Site Layout: The subject property is a typical mid-block lot located near the corner of Lakechime Drive and Silverlake Drive. The structure, which has already been built, is located 2' from the rear property line and 2' 6" from the side property line. A 10-foot rear yard setback for one-story additions or accessory buildings is permitted, provided the encroachment does not exceed 25% of the area. A maximum 276 square feet would be allowed on the subject site; therefore, the proposed workshop complies with this requirement.

In order to meet setbacks, the shed would need to be positioned 10 feet from the rear and 4 feet from the side property lines. However, at this location, the shed would need to be reduced in overall size as it would be located too close to the home. Sunnyvale Municipal Code Section 19.48.040 also requires a ten foot separation between buildings, but that can be reduced to five feet if no windows are facing each other). This requirement would also require elimination or changes to the window locations of the workshop.

Easements and Undergrounding: An existing PG&E easement lies within the last five feet of the property. In certain situations, small structures may be allowed within this area. If this Variance application is approved, staff recommends including Condition of Approval #1D requiring a letter from PG&E permitting an encroachment within the 5-foot easement, prior to approval of a building permit.

Architecture: The architecture of the proposed building contains an angled roof design that is compatible the home and other structures in the neighborhood. The workshop is constructed with stucco siding to match the material used on the home. The workshop also includes two metal roll-up doors at the front of the structure to enable easier access to larger equipment within the workshop. The doors are not intended for vehicular access.

The following Guidelines were considered in the analysis of the project architecture.

Single Family Home Design Techniques (Architecture)	Comments
<i>3.10 B. Accessory structures should use the same wall, roof and trim materials as the main structure.</i>	The workshop is constructed with similar materials and design as the main home

Landscaping: The project site meets landscaping standards for properties located in the R-0 Zoning District.

Parking/Circulation: The proposed addition would meet the required two covered and two uncovered spaces by Sunnyvale Municipal Code 19.46.050.

Compliance with Development Standards/Guidelines: The proposed workshop does not meet the required 4' side and 10' rear (less than 25% encroachment of rear yard) setbacks. As noted previously in the report, all setbacks are required to be met within the R-0 Zoning District for accessory structures over 120 square feet. Staff could consider a Miscellaneous Plan Permit application for encroachment within the rear yard setback if the workshop was reduced to a 120 square feet or less. The subject property is considered "legal non-conforming" with approximately 5,720 s.f., where a minimum 6,000 s.f. is required for the R-0 Zoning District. Many of the properties within the neighborhood have a similar lot size as the subject property.

Expected Impact on the Surroundings: The workshop is not visible from Lakechime Drive and mostly obstructed from view from Silverlake Drive. The

structure can be seen by the neighboring property to the north over an existing fence. The applicant has submitted additional information noting other accessory structures within the neighborhood. The current structure appears to be well constructed in terms of design and materials used. However; City staff reviews each situation on a case by case basis. It appears that some of these structures have obtained the necessary permits from the City. The Neighborhood Preservation Division is actively reviewing code enforcement issues related to similar structures throughout the City on a continual basis.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Although not included within this report, the applicant has submitted a petition containing 116 signatures for support of the proposed Variance. Attachment F also contains a letter of support from a nearby resident.

An additional letter (Pages 2-4 of Attachment F) from a neighboring resident raises concerns regarding the impact of the shed and future plans to expand. The requirement for a ten or five foot separation of buildings does not apply to structures on separate lots; therefore if approved, the workshop would not impact the neighbor's opportunity to expand on this side of the property. The resident also mentions concerns with privacy and possible conversion of the accessory building to living area. If approved, the shed shall not be converted to living space per Condition of Approval #1E. The Building Division has also confirmed that the possible addition would not requiring fire rating due to the current location of the adjacent structure.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 6 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

Conditions of Approval: Conditions of Approval are located in Attachment B.

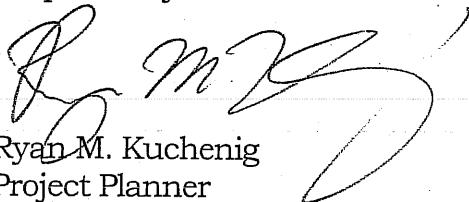
Alternatives

1. Deny the Variance.
2. Approve the Variance with the attached conditions.
3. Approve the Variance with modified conditions.

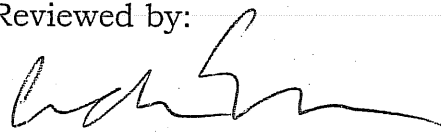
Recommendation

Alternative 1.

Prepared by:


Ryan M. Kuchenig
Project Planner

Reviewed by:


Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Photos submitted by the Applicant
- E. Letter from the Applicant
- F. Letters from Other Interested Parties

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. *(Finding Not Met)*

Staff does not believe that there are exceptional or extraordinary circumstances that deprive the property owner of rights or privileges. Although, the site is considered undersized for the R-0 Zoning District, it is similar to other properties within the vicinity. The shed could be reduced and relocated to meet current setback requirements.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. *(Finding Met)*

Staff finds that the proposed workshop is not materially detrimental to the property or to the immediate neighborhood as it screened and designed appropriately to mitigate aesthetic concerns within the immediate area.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. *(Finding Not Met)*

Similar structures within the neighborhood are required to meet the setbacks and lot coverage requirements of the R-0 Zoning District. The applicant has noted other accessory buildings within the surrounding neighborhood. In certain cases, City requirements are met and the necessary permits have been obtained. As noted in the report, the Neighborhood Preservation Division assists with concerns related to code enforcement of accessory structures that do not appear to meet City ordinances. Each proposal is reviewed on a case by case basis to determine the appropriate permit process.

Recommended Conditions of Approval - Variance

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

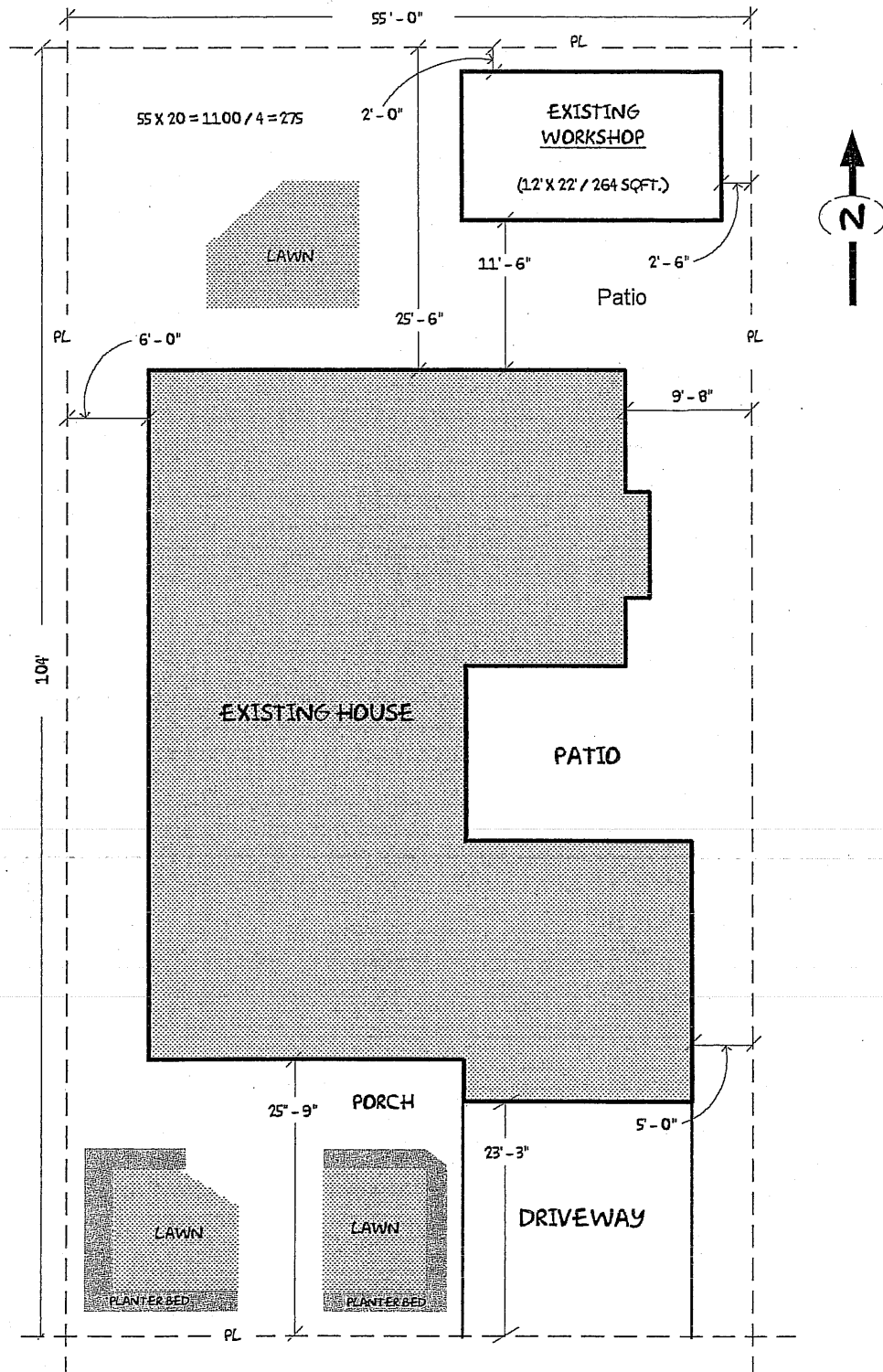
Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The Variance shall be null and void two years from the date of approval by the final review authority if the approval is not exercised.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- C. Obtain building permits for the proposed plan.
- D. Prior to building permit approval, provide a letter from PG&E that enables the accessory building to be located within the required easement.
- E. The accessory building shall not be used for living purposes.

ATTACHMENT C

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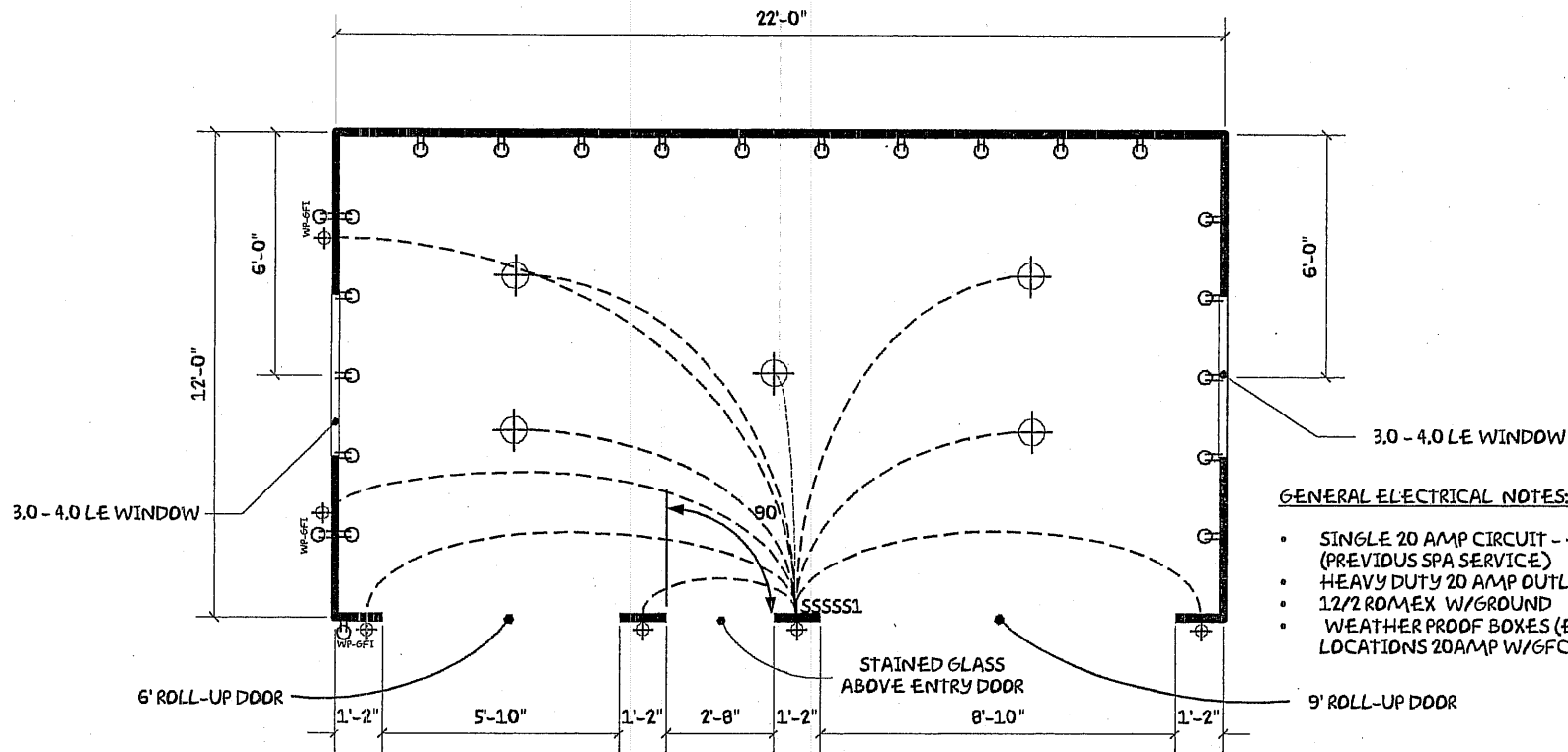
RESIDENTIAL SITE PLAN

885 LAKECHIME
DRIVE

HOMEDOWNER: RICHARD R. BECKER SR.
HOME PHONE: (408) 734-2455

---STREET---
LAKECHIME DRIVE
SCALE: 3/32"=1'

APRIL 29, 2005



GENERAL ELECTRICAL NOTES:

- SINGLE 20 AMP CIRCUIT - EXISTING (PREVIOUS SPA SERVICE)
- HEAVY DUTY 20 AMP OUTLETS THROUGHOUT
- 12/2 ROMEX W/GROUND
- WEATHER PROOF BOXES (EXTERIOR- (3) LOCATIONS 20AMP W/6FCI)

GENERAL FOUNDATION NOTES:

- CONCRETE SLAB - 6" TO 8"
- REBAR - 3/8" SET ON 24" GRID
- FOUNDATION BOLTS - 5/8" J-BOLTS SET 6" FROM ENDS, 4'-6" FIELD

GENERAL FRAMING NOTES:

- BOTTOM PLATE / SILL - 2" X 6" PT
- DOUBLE TOP PLATE - 2" X 6" DF S4S
- WALL STUDS - 2" X 6" DF S4S (24" CENTERS)
- CORNER - 2" X 6" (3) STUD
- ROLL-UP DOOR RD - DOUBLE KING W/TRIM.
- HEADER - 4" X 12" (ROLL-UP DOOR)
- ENTRY DOOR RD - DOUBLE KING W/TRIM.
- HEADER - 4" X 8" (ENTRY DOOR)
- HEADER - 4" X 8" (WINDOWS)
- 4" X 8" WINDOW HEADERS
- RAKE WALLS - 2/12 PITCH
- SHEER - 100% (7/16" OSB 6/12 W/8'S)
- LATH & STUCCO SIDING
- FOAM ACCENTS OVER DOORS & WINDOWS (SEE ELEVATIONS)
- INSULATION - R30 WALLS, R19 LID
- DRYWALL - 5/8" LID, 1/2" WALLS (FINISH TEXTURE BLOWN / KNOCKED DOWN)
- ENTRY DOOR - STANLEY 2'-8" VENTED
- 3.0 - 4.0 DPLE WINDOWS (2)
- STAINED GLASS ENTRY WINDOW

GENERAL ROOFING NOTES:

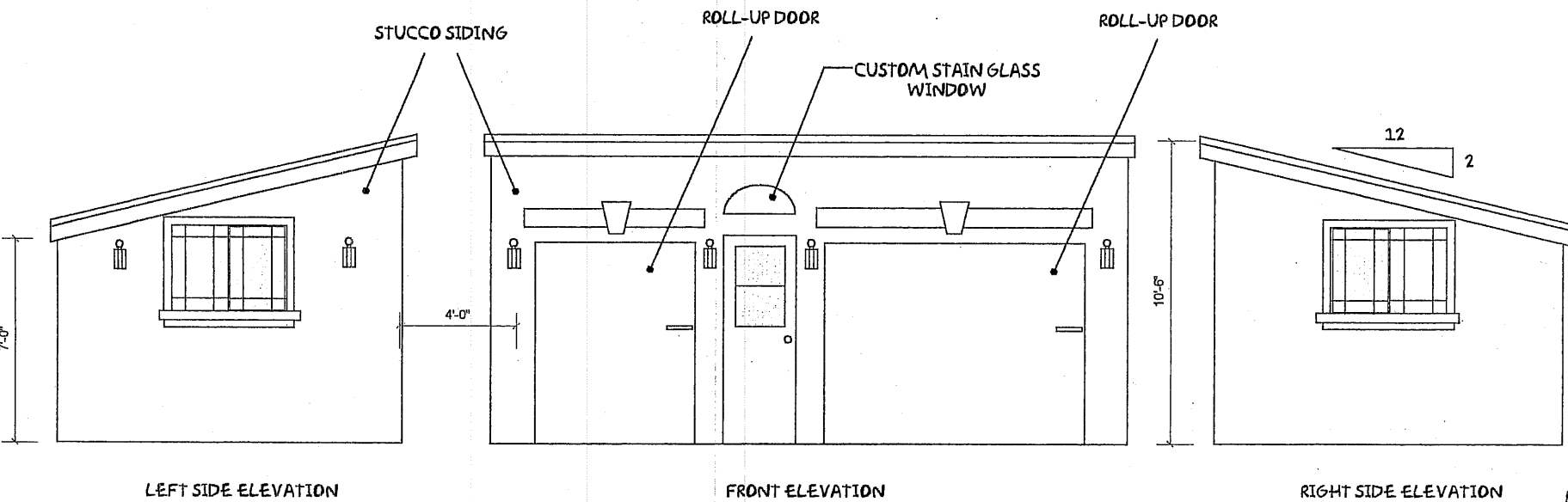
- PITCH - 2:12
- RAFTERS - 2" X 8" DF S4S (24" CENTERS)
- FREEZE BLOCKS - VENTED
- FACIA & BARGE RAFTER - 2" X 8" RS S-LAM
- SHINGLE MOLD - 2" X 4" RS S-LAM
- SHEETING - 7/16" OSB BRICKED WITH CLIPS
- PAPER - 30 LBS FELT
- 40 YEAR COMP.
- INSULATION - R19

WORKSHOP FLOOR PLAN

885 LAKECHIME DRIVE

HOMEDOWNER: RICHARD R. BECKER SR.
HOME PHONE: (408) 734-2455

APRIL 29, 2005



WORKSHOP ELEVATIONS

885 LAKECHIME DRIVE

HOMEOWNER: RICHARD R. BECKER SR.
HOME PHONE: (408) 734-2455

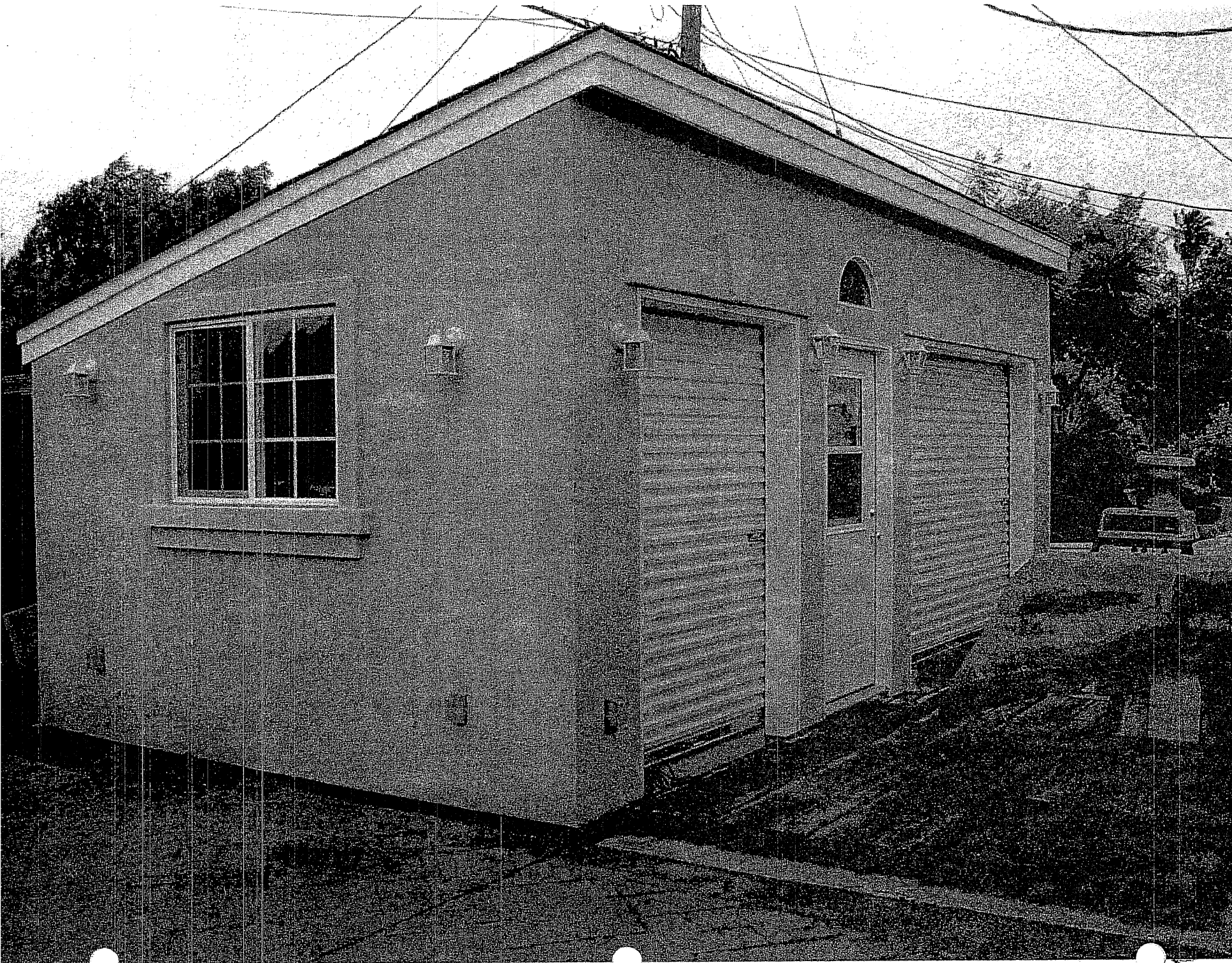
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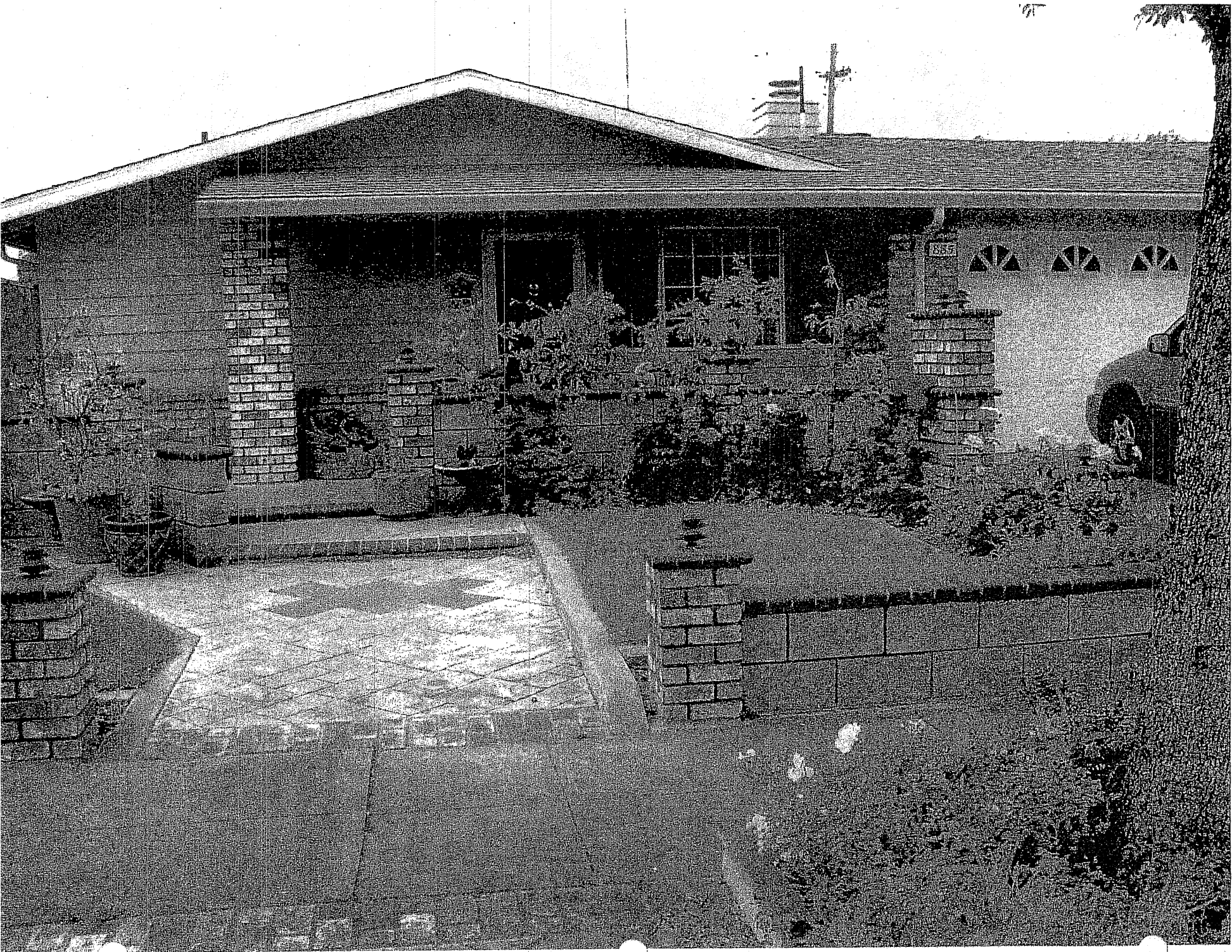
APRIL 29, 2005

ATTACHMENT C
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ATTACHMENT D

Page 1





1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surrounding, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

Overview:

In June of 2004, construction began and concluded on a 264 square foot workshop (approx. 12 ft. x 22 ft.) at the private residence of Mr. & Mrs. Richard R. Becker, located at 885 Lakechime Drive, Sunnyvale CA. The workshop is located at the rear of the property as shown on the attached site plan, marked "Existing Workshop".

While the design, building materials, and method of construction are in accordance and compliance with all city building codes, and the 25 % building to yard ratio is well under allowable limits, the location of the structure/workshop fails to meet the cities minimum setback requirements.

Justification:

Although modifications to the size and/or location of structure are possible, including removal if necessary, to do so would present a tremendous hardship on the homeowners. The financial implications for modification and/or relocation are significant – moreover, to remove the entire structure would be very costly and represent a total loss on investment.

Prior to June 2004, there were (3) three separate standalone structures that stood on the property in addition to the main house. Although these structures were never permitted, they resided on the property for over 25 years without incident. A storage shed acquired by a donation to the church, measuring approx. 16 ft. x 24 ft. x 11 ft. high was located at the NW corner of the property. A 13 ft. x 14 ft. x 11ft. 6 in. high redwood gazebo was located near the center of the rear property and a secondary storage shed measuring approx. 10 ft. x 18 ft. x 9 ft. high was located at the NE corner of the property. All (3) three of these structures were dismantled and removed to facilitate construction of the new workshop. It should be additionally noted that many of the homes in Lakewood Village and surrounding area have similar structures as well. Furthermore,

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements, or uses within the immediate vicinity and within the same zoning district.

The presence of the workshop represents no material detriment to public welfare or property.

3. Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

The intended use of the workshop could simply be described to be equivalent to that of one's own garage.

that construction of the new workshop was done with the knowledge and support of Mr. & Mrs. Becker's immediate and surrounding neighbors as reflected by their signatures on the attached petition.

In January 2001, Mr. Becker was diagnosed with a serious life threatening illness. To date, he has undergone numerous medical procedures and treatments, thankfully, with positive results. The nature of his illness and the methods of treatment he received however, have left him with many challenges to overcome on the path to recovery. It is vital to Mr. Becker's recovery that he remain physically, as well as mentally active, to push himself to do more each and every day - a task made increasingly difficult now with limited mobility resulting from his illness and the treatment thereof.

Mr. Becker is a retired machinist. Over the years of his career he has acquired many tools and small machines of his trade. Many of which have been in storage, difficult to access at time when needed. The design, consolidation of structures, and construction of the new workshop were intended to facilitate and provided greater access to these tools and equipment for the purpose of supporting increased activities. The physical as well as mental activities relating to the design, and creation of small projects (tinkering if you will) fall within Mr. Becker scope of recovery, and improve general quality of life.

Summary:

Although it is difficult to convey all sentiment and relevant circumstance in such matters, we hope that we have provided sufficient information for the purposes of these proceeding in the support and granting of our variance permit application. We would hope to have the opportunity to provide any additional information that may be required and/or provide additional detail/clarification to afore mentioned, ongoing.

Summary – Key Points:

- Sunnyvale residence for over 40 years
- Retired, living on a fixed income
- Consolidation of (3) three pre-existing structures
- Similar structures throughout Lakewood Village and surrounding area
- Workshop professionally design and constructed
- Strong neighbor support and surrounding area - *NOT SIGNATURES*
- Facilitation and promotion of increased activity – vital to recovery
- Improved overall quality of live

*MACHINE OPERATED WITTED SHOP - SOUND PROOFED
LESS IMPACT*

Day Van Le
871 Lakechime Drive
Sunnyvale, Ca. 94089

ATTACHMENT F
Page 1 of 4
RECEIVED
AUG 01 2005
PLANNING DIVISION

July 25, 2005

To Whom It May Concern,

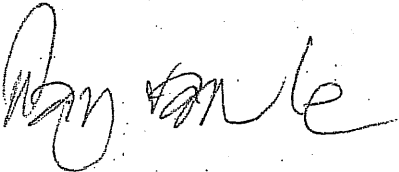
I received a public note on Sat. July 22-2005, File # 2005-0664, location : 885 Lakechime Drive,

APN: 110-24-027 and will be public hearings on Aug 10-2005, 02:00PM.

I am very sorry that I could not attention on that day.

With your proposed project: 264 square-foot accessory utility building I have no problem or question about it now or further.

Sincerely,



Day Van Le

ATTACHMENT FPage 2 of 4

From: "Alfred Jiao"
To: <rkuchenig@ci.sunnyvale.ca.us>
Date: 8/3/2005 11:06:30 AM
Subject: Public Notice Response to File #2005-0664

Ryan Kuchenig and Administrative Hearing Advisers:

This letter is in response to the Public Notice #2005-0664, 885 Lakechime Drive and would like to point out a few of my concerns. My residence is at 897 Lakechime Drive and is adjacent to the property applying for a Variance, the two properties are separated by a 4'-0" fence (see attached picture for reference). My concerns are the following:

1. Future Remodel/Extension maybe limited:

- Please refer to the attached drawing showing the maximum possible addition of an extension to my residence. The drawing will show that I am limited to the amount of extension I could construct because the existing utility shed being so close to the side property line has a window. And upon researching about the Planning Regulation, there is a minimum distance of 10'-0" that must be maintained between the utility shed and the house or any other building especially if the utility shed has a window. And only 5'-0" is required if there is no window.

I had spoken to you yesterday and you mentioned that I will not be affected if I ever want to do a future extension but if you can educate me and point me to the part of the regulation that states that, I will appreciate it.

- "Residential feel" of the neighborhood maybe lost due to the overcrowding of existing and future structures. Maximum lot coverage may also be in question.

2. Privacy Issue:

- The existing window of the utility shed overlooks into my property. See attached picture and drawing.
- The design and placement of any future windows and doors maybe limited since there is already an existing window in place.
- In an event that the current owner sells the property, the future owner may convert the utility shed into a living space and rent it out. This would be another privacy issue in the future and would be an inconvenience for all the neighbors to monitor this. I do however support the design of the shed for being well designed and the design does not stray away from the residential look.

3. Fire Rating maybe be required:

- The existing utility shed having only 2'-6" sideyard setback and having a side window may require me to fire rate any future walls and windows for being too close to an adjacent structure.

Please consider my concerns in your staff report and recommendations and also forward this email to the Administrative Hearing Advisers. Should you have further questions, do not hesitate to give me a call at the number provided below.

Regards,

Alfred-Ray and Grace Jiao
897 Lakechime Drive
Sunnyvale, CA 94089

